

Application No. 09/686,621
Amendment in response to June 25, 2004, Action

Attorney's Docket No. 0119-008

REMARKS

Claims 1-31 are pending. Independent claims 1, 2, 7-10, 13-16, and 23-26 would be amended.

In the current Office Action, claims 1, 2, 7-10, 13, 14, 25, and 26 were again rejected for anticipation by U.S. Patent No. 5,519,886 to Gilbert et al. ("Gilbert"), and claims 15-17 and 23-31 were again rejected for anticipation by UK Patent GB 2 328 588 A to Seo ("Seo"). Remaining claims 3-6, 11, 12, and 18-22 were again rejected for obviousness over either a combination of Gilbert and other documents or a combination of Seo and other documents. Claim 28 also appears to have been rejected for obviousness over a Gilbert-based combination and a Seo-based combination.

With respect to Gilbert and claims 1, 2, 7-10, 13, 14, 25, and 26 and their dependent claims, the Action admits that "the applied reference [Gilbert] may not clearly teach applicant's features above that are not recited in the claims [i.e., that heat can be felt by a user]" and states that "the examiner is willing to withdraw the rejection should applicant amend the claims to further clarify these features". See page 2 of the current Action. In addition, the Action "recommends applicant also further amends the claims to clarify that slots are time slots". See page 3 of the current Action.

Entry of this Amendment would amend claims 1, 2, 7-10, 13, 14, 25, and 26 by clarifying the features that the Action admits are not disclosed by Gilbert, thereby making these claims allowable. Moreover, for at least these reasons as well as the other reasons discussed in the Amendment filed in response to the previous Action, dependent claims 3-6, 11, 12, and 28 are neither anticipated by Gilbert nor rendered obvious over the combinations of Gilbert and other documents. Accordingly, it is respectfully requested that this Amendment be entered and that the claims be allowed.

It is not quite clear to the undersigned, but the Action may contend that U.S. Patent Application No. 09/196,127 corresponds to WO 00/31990 and is somehow relevant to claims of this application. Application No. 09/196,127 has issued as U.S. Patent No. 6,760,311 and is assigned on its face to Ericsson Inc., which is owned by Telefonaktiebolaget L M Ericsson, which owns this application. Accordingly, the '311 patent can be cited against the current claims only for anticipation. It must be noted merely that col. 4, ll. 30-33, of the '311 patent describes a "temperature measurement

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device or sensor 195 [that] measures the heat within the mobile station's housing, e.g., proximate the power amplifier", which is not a monitoring of a temperature that can be felt by a user as claimed here.

With respect to Seo and claims 15-17 and 23-25 and their dependent claims, it is believed that entry of this Amendment would comply with the Action, which "recommends applicant also further amends the claims to clarify that slots are time slots" and not slot cycles or slot cycle indices as in Seo. Moreover, for at least this reason as well as the other reasons discussed in the Amendment filed in response to the previous Action, dependent claims 18-22 and 27-31 are neither anticipated by Seo nor rendered obvious over the combinations of Seo and other documents. Accordingly, it is respectfully requested that this Amendment be entered and that the claims be allowed.

It is believed this application will be in condition for allowance after entry of this Amendment. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below. The Examiner may note that a Change of Correspondence Address is filed on the same day as this Amendment.

Respectfully submitted,



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Filed September 27, 2004